BEFORE THE APPEALS BOARD FOR THE KANSAS DIVISION OF WORKERS COMPENSATION

STEPHANIE A. COLE)	
Claimant)	
VS.)	
)	Docket No. 213,811
KELLY SERVICES, INC.)	
Respondent)	
AND)	
CONTINENTAL CASUALTY COMPANY)	
Insurance Carrier)	

ORDER

Respondent appeals from the preliminary hearing Order entered by Administrative Law Judge Alvin E. Witwer dated November 20, 1996.

Issues

The sole issue to be considered on appeal is whether the claimant sustained personal injury by accident arising out of and in the course of her employment.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board finds the Order by the Administrative Law Judge should be affirmed.

Claimant testified that as an employee of respondent, Kelly Services, Inc., she worked at Card Holdre Services. Her work included inputting information on a keyboard. Claimant estimated that she worked on the keyboard approximately 7 ½ hours per day. The amount of her other duties makes this estimate questionable. In May of 1996, she

began experiencing symptoms later diagnosed as carpal tunnel syndrome. Claimant also testified that the more she worked on the computer, the more it hurt her hands.

Respondent points out that the record contains no medical opinion connecting the work activities with the symptoms. The record does include a statement made by Dr. Robert Brown that claimant had a history of doing keyboarding-type activities for 40 hours per week since February 1996. Respondent notes that this history is not accurate.

The Appeals Board, nevertheless, considers the evidence to be sufficient to satisfy claimant's burden at this point of the proceedings. Claimant testifed that she does not engage in hand-intensive hobbies and that she did not have a problem with the symptoms before she began working with Kelly Services, Inc. Claimant did a variety of work besides the keyboard work. Some of these were hand-intensive activities also.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order entered by Administrative Law Judge Alvin E. Witwer dated November 20,1996 should be, and is hereby, affirmed.

II IS SO ORDERED.
Dated this day of February, 1997.
BOARD MEMBER

C: John G. O'Connor, Kansas City, KS Eric T. Lanham, Kansas City, KS Alvin E. Witwer, Administrative Law Judge Philip S. Harness, Director